

## **Facts on Drug Courts**

With nearly 1,800 drug courts in existence or being planned, there is a great deal of bi-partisan interest in drug courts across the nation. This fact sheet provides answers to some of the most commonly asked questions about drug courts.

### ***What Are Drug Courts & Why Do We Need Them?***

A drug court is a special court given the responsibility to handle cases involving substance-abusing offenders through comprehensive supervision, drug testing, treatment services and immediate sanctions and incentives.

Drug court programs bring the full weight of all intervenors (judges, prosecutors, defense counsel, substance abuse treatment specialists, probation officers, law enforcement and correctional personnel, educational and vocational experts, community leaders and others) to bear, forcing the offender to deal with his or her substance abuse problem.

In addition, drug courts ensure consistency in judicial decision-making and enhance the coordination of agencies and resources, increasing the cost effectiveness of programs.

### ***Are All Drug Courts the Same?***

The design and structure of drug court programs are developed at the local level, to reflect the unique strengths, circumstances and capacities of each community. Many sectors of the community are involved in the planning and implementation process of a drug court system, including: criminal justice, treatment, law enforcement, educational and community anti-drug organizations. Not only do drug courts address issues in the criminal justice arena, but family dependency courts, DUI drug courts, juvenile drug courts, reentry courts and mental health courts are all built around the drug court model. In these courts, issues such as juvenile delinquency, child abuse and neglect and repeat drunk driving are all addressed. Offenders are treated holistically and smoothly reintegrated into society in these courts.

### ***Do Drug Courts Work?***

American University's Drug Court Clearinghouse reports that over 400,000 drug-using offenders have participated in drug court programs since their inception in 1989. In 1997, the Government Accounting Office (GAO) reported that 71% of all offenders entering drug courts since 1989 have either successfully completed their drug court program or are currently actively participating in their program.

In 2001, Columbia University's National Center on Addiction and Substance Abuse (CASA) concluded an updated study of its seminal 1998 review of drug court research and evaluations. It finds that drug courts continue to provide the most comprehensive and effective control of the drug-using offenders' criminality and drug usage while under the court's jurisdiction.

The revised study, based on a review of 37 evaluations, finds that their results are consistent with the 1998 analysis and the 2000 update based on 48 other evaluations finding that "drug courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program than other forms of community supervision" and that "drug use and criminal behavior are substantially reduced while offenders are participating in drug court." In fact, the average recidivism rate for those who complete the drug court program is

between four and 29% as compared to 48% for those who do not participate in a drug court program. Additionally, the 2003 National Institute of Justice (NIJ) recidivism report entitled, "Recidivism Rates For Drug Court Graduates: National Based Estimates," representative of over 17,000 annual drug court graduates nationwide, found that recidivism rates for drug court participants one year after graduation is a mere 16.5% and only 27.5% after two years. The report also found that participants from 38 drug courts throughout the country have recidivism rates lower than 10% one year after graduation.

### ***Who is Eligible for Drug Courts?***

Drug courts started out as diversionary programs dealing with less-serious offenders, typically charged with simple drug possession or under the influence charges.

As drug courts have proven their effectiveness in controlling both the drug usage and criminality of drug-using offenders, communities successfully have expanded drug court programs to probationers, including drug-using offenders charged with non-drug offenses. American University's Drug Court Clearinghouse reports that 70% of drug courts now include probation-based or post-plea programs, and the typical participant has at least a 15-year history of drug usage.

The Bureau of Justice Statistics reports that two million probationers—two-thirds of all probationers—may be considered drug and alcohol involved (BJS, 1995).

Unfortunately, no more than four to eight percent of drug-using offenders on probation and living in our communities are in drug court programs.

### ***Drug Courts Provide a Viable Alternative***

To Eligible Substance-Abusing Offenders Drug courts provide one of the most viable options for addressing the substance-abusing offender today. Whether the person enters the judicial system because of a criminal offense, delinquent behavior or the neglect or abuse of their children, they can benefit from the enhanced supervision provided in the drug court system. Not only do offenders benefit, but public safety is also strengthened through the monitoring and accountability that occurs in drug court.

### ***Will Drug Courts Provide More Jail Space for Serious Criminals?***

With Three-Strikes-You're-Out statutes proliferating and long-term incarceration for serious offenders increasing, drug court programs are needed to free up limited jail space for serious criminals.

### ***Do Drug Courts Save Money?***

Incarceration of drug using offenders costs between \$20,000 and \$50,000 per person, per year. The capital costs of building a prison cell can be as much as \$80,000. In contrast, a comprehensive drug court system typically costs between \$2,500 and \$4,000 annually for each offender. Evaluations from the State of Oregon and Dallas County, Texas have shown that for every dollar invested in drug court, ten dollars are saved by corrections.

### ***Are Drug Courts Programs "Soft on Crime"?***

Drug courts across the country control participants' drug usage and activity through: frequent drug testing, intensive supervision and judicial monitoring and immediate sanctions that include terms of incarceration to respond to program violations. Drug courts also provide incentives to participants who comply with program requirements; reducing terms of probation, treatment, conditions, program fees and other innovative rewards. This same population has historically not been motivated by the threat of incarceration alone. In fact, drug court participants find drug court more challenging than jail or prison.

### ***What Are DUI Drug Courts?***

Given the phenomenal success of drug courts across the country, many courts are beginning to apply the drug court model to DUI cases. In doing so, DUI drug courts, like traditional drug courts, are making offenders accountable for their actions in a fair and just way, thus bringing about a behavioral change that ends DUI recidivism, stopping the abuse of alcohol and protecting the public.

### ***What Are Drug Court Systems?***

Drug court systems deal with all drug-using offenders while they are on probation and supervised in the community (those not sent to state prison or incarcerated in county jail). Drug court systems place drug-using offenders in appropriate drug court tracks that tailor the level of intervention and resource commitment to the needs of the offender but more importantly, to the public safety needs of the community.

All arrestees are drug tested, and those determined to have a drug abuse problem are supervised, drug tested and monitored by the drug court team led by the drug court judge. Denver, Minneapolis and Tampa are jurisdictions that have successful "Comprehensive Drug Court Systems."

Source: National Association of Drug Court Professionals



Story available at <http://www.methfreemt.org/drugcourts.asp>

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## Gazette Opinion: Lawmakers take hard look at treatment court

The message that Montana needs better ideas to deal with methamphetamine addiction was heard clearly again last week when the Legislature's Law and Justice Interim Committee visited the Yellowstone County Family Drug Treatment Court.

Since June 2001, District Judge Susan Watters had presided over this court to work with drug-addicted parents whose children have been removed from their care because of abuse or neglect. Watters is part of a treatment team that offers them a chance to regain custody of their children by kicking their drug habit, getting jobs and staying in recovery. The majority of parents who have entered this voluntary program are young mothers addicted to methamphetamine. Their road to recovery takes at least 15 months.

Last week, 13 families were participating in the drug court, including 28 children and 13 parents in treatment. That's 41 people whose lives will be directly affected by success or failure in this court, which emphasizes accountability and parental responsibility.

Committee members, including Chairman Rep. John Carter, of Great Falls, and Sens. Brent Cromley, of Billings, and Dan McGee, of Laurel, deserve credit for devoting four hours of their time to learning about the drug treatment court. Their visit also should have been instructive for drug court advocates: Lawmakers want proof that drug court works and that it saves the state money.

That proof will be essential to maintaining and expanding drug courts in Montana. Most of the 15 drug courts now operating started with federal grant money that will soon run out for most. The Yellowstone County court has seen its federal support reduced. Fortunately, the Yellowstone County Sheriff's Department and the St. Vincent Foundation stepped in with short-term grants to keep the program going. Small wonder that the county's top law enforcement official and a major health care organization see the value in drug court. This program has vastly improved the health of parents and children. It also has reduced the incidence of arrest and incarceration among parent participants.

Apart from his work on the interim committee, Parker, a deputy county attorney, is planning legislation for funding drug courts. Attorney General Mike McGrath also has said he will support state funding for drug treatment courts.

According to research on the first four years of the the court's operation, for every \$1 spent on the drug court, it saved \$4.74 in other public costs for such things as health care, incarceration and foster care.

Statistics compiled on the Yellowstone County Family Drug Treatment Court make a solid case for treating the root problem of the majority of child neglect cases: parental addictions. That's a message the public and its lawmakers need to hear.

## Drug court finds a better way

*By the IR staff - 03/28/2006*

It definitely was not your usual outcome of a drug arrest. A year later, there stood the defendant, all smiles on the front page of last Thursday's Billings Gazette, a district judge clapping her appreciation in the background.

The young man, 21-year-old Ricky McCoy, was the first graduate of Billings' Adult Misdemeanor Drug Court, a program started in February 2005, with a three-year federal grant. The drug court, the first of its kind in Montana, offers offenders facing up to a year in jail a chance to avoid serving time and wipe their record clean - provided they clean up their lives as well.

According to Municipal Judge Mary Jane Knisely, in the last 12 months McCoy appeared in court 34 times, made 52 visits to his probation officer, underwent 200 urinalyses, attended 151 treatment sessions, performed 40 hours of voluntary community service and went to at least 114 Alcoholics Anonymous meetings. When she first saw him, the judge said McCoy "had the attitude of a punk." Now, she said, "That kid has come miles. I can't believe he's the same guy."

It doesn't take an Aesop to find a moral to this story. At a time when Montana's prisons are being filled beyond capacity with drug offenders, at a huge financial and human cost to society, Billings' drug court is a breath of fresh air.

Of course it won't work for everybody. During its first year, the drug court refused to accept 58 people, usually because they had a history of violence. Another 26 were accepted but later dropped out or were kicked out for failing to follow the rules. But success can be spectacular. Enrolling in the program was "one of the smartest things I ever did," McCoy said.

Let's hope funding can be found to spread the concept to all of Montana's cities. It's a big step in the only direction that makes any sense.